



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/899,523	07/05/2001	Rick Winter	001342

Docket for
10-23-01
C.A.

[illegible]

OC000000006464684

RECEIVED
APPLICATION
08 2002
OFFICE OF PETITIONS

Filing Date Granted

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 420.**

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

179.00 99.00

SECRET

1998



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Winter

CASE:

POW-001342

SERIAL NO.:

09/899,523

FILED ON:

July 5, 2001

FOR:

LEAK SENSOR FOR FLOWING ELECTROLYTE
BATTERIES

STATEMENT OF FACTS OF JOHN L. DOTSON III ON BEHALF OF POWERCELL
CORPORATION IN SUPPORT OF THE PETITION UNDER 37 C.F.R. 1.47(b)

The Honorable Commissioner of Patents
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

I, John L. Dotson III, a citizen of the United States of America, declare that:

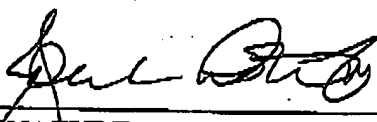
1. I am Vice President, General Counsel of POWERCELL CORPORATION, which has a place of business at 35 Corporate Drive, Suite 190, Burlington, MA, 01803.
2. Mr. Rick Winter was employed by POWERCELL CORPORATION as Vice President of Research and Development during the conception and preparation and filing of what became U.S. Serial No. 09/899,523 (identifying Rick Winter as the sole inventor).
3. To the best of my knowledge, Mr. Winter is the sole inventor of U.S. Application Serial No. 09/899,523 (the "Application").
4. Mr. Winter, as an officer of POWERCELL CORPORATION had, and still has, an obligation to assign all of his rights in and to the invention, and in turn any patent applications, to POWERCELL CORPORATION.

5. The Application was filed on July 5, 2001 with an unsigned Declaration.

Adjustment date: 07/29/2002 AKELLEY
03/08/2002 SSANDARA 00000001 09899523
04 FC:122
Repln. Ref: 07/29/2002 AKELLEY 0014383300
DAH:500545 - Name/Number:09899523
FC: 704 \$130.00 CR

6. On July 12, 2001, I received a copy of the Application as filed, along with an unexecuted Assignment, and, Declaration and Power of Attorney document, from FACTOR & PARTNERS, LLC., our patent Attorneys.
7. Mr. Winter received copies of the Application as filed, along with copies of the Declaration for his signature from FACTOR & PARTNERS, LLC. On numerous occasions, Mr. Winter orally acknowledged his intent to sign and transmit a signed Declaration to FACTOR & PARTNERS, LLC., although he never did so.
8. As of February 18, 2002, Mr. Winter had failed to sign the Declaration and provide same to FACTOR & PARTNERS, LLC.
9. Inasmuch as the invention embraced by the Application is the property of POWERCELL CORPORATION, it has a significant proprietary interest in this matter.
10. Mr. Winter's failure to sign the Declaration, after numerous requests and oral acknowledgments to do so constitutes a refusal to sign which will result in irreparable damage to POWERCELL CORPORATION in that the Application will become abandoned unless the Petition under 37 C.F.R. 1.47(b) is granted. Such abandonment could result in the loss of U.S. and International proprietary rights in and to the technology embraced by the Application.
11. Pursuant to the foregoing, POWERCELL CORPORATION justly desires to file the Application on behalf of and as an agent for Mr. Winter.
12. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent resulting therefrom.

DATED THIS 19th day of February, 2002



SIGNATURE

(John L. Dotson III - POWERCELL CORPORATION, Vice President, General Counsel)

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**Please note our new address
and telephone**



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Intellectual Property Law

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FACSIMILE TRANSMITTAL

DATE: February 15, 2001

Please deliver the following pages to:

Name(s): Rick Winter

Company: Powercell

Facsimile No.: 925 443 6700- 6750

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REMARKS: Rick, attached are the drawings for each of the patent applications (nos. 1, 2 and 3), along with the declaration/power of attorney form and the assignment form for the first application that you have reviewed and I have revised.

Jovan